

RESOLUTION NO. 2016-59

**A RESOLUTION OF THE CITY COUNCIL ADOPTING A PUBLIC ART POLICY IN
PARTNERSHIP WITH THE SAN BENITO COUNTY ARTS COUNCIL (SBCAC)**

WHEREAS, the City Council supports art in public places; and

WHEREAS, the City Council desires to partner with the San Benito County Arts Council to establish a policy to promote art in public places that promotes the City's diverse, social and cultural perspectives with a process of public engagement; and

WHEREAS, the development of art in public places implements General Plan Land Use and Design Element Goal 1 to organize and design the city with an attractive and positive image; and

WHEREAS, the City of Hollister Public Policy in Exhibit 1 of this resolution was developed in consultation with the San Benito County Arts Council stakeholders, the Hollister Downtown Association and reviewed at a City Council Study Session on April 11, 2016.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the City of Hollister Public Art Policy.

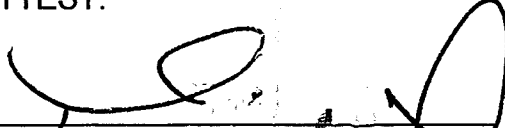
PASSED AND ADOPTED, by the City Council of the City of Hollister at a regular meeting held this 2nd day of May, 2016, by the following vote:

AYES: Council Members Klauer, Gomez, Friend, Luna, and Mayor Velazquez.

NOES: None.

ABSENT: None.

ATTEST:




Thomas A. Graves, CMC, City Clerk



Ignacio Velazquez, Mayor

APPROVED AS TO FORM:

L+G LLP, Attorneys at Law



Bradley Sullivan, City Attorney

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ON FILE IN THE
OFFICE OF THE CITY CLERK
CITY OF HOLLISTER

EXHIBIT 1

City of Hollister Public Art Policy

Overview

The City of Hollister City Council is committed to promoting art in public places that reflects diverse social and cultural perspectives in our community to enrich the lives of the City's residents and visitors, and contribute to the vitality of the City's economic development. San Benito County Arts Council (SBCAC) will serve as the primary partner to the City of Hollister on Public Art policies and procedures. The City of Hollister Public Art Review Committee (the "Review Committee") will review and make recommendations to the City Council regarding all works of art to be acquired by the City, either by purchase, gift or otherwise and exterior works of art installed in the City on public property. The SBCAC will host regular public meetings/gathering to foster networking, information sharing and an invitation for the community engage in a wide-ranging exploration of points of view and mediums in art.

Goal: The intent of the City of Hollister Public Art

- A. **Definition of Permanent Public Art** - Permanent public art is that which is installed for one year or more in open and freely accessible areas designated as a public area, lobbies and public assembly areas of City property, or on non-City property if the work is installed or financed, either wholly or in part, with City funds or grants procured by the City.
- B. **Acquisition Policy**- It is the policy of the City to encourage art in public places and to act as the conduit for the purpose of administration of a public art policy.
- C. **Acquisition Procedures** –
 - a. The SBCAC shall solicit public engagement at the onset of all new public art projects.
 - b. All acquisitions and proposals as recommended by SBCAC shall require review and approval by the City Council.
 - c. All acquisitions, whether purchased by or gifted to the City, shall require an agreement addressing the terms of the acquisition; installation, instructions for maintenance; the manner in which work may be deaccessioned; and copyright, reproduction, and resale issues.
 - d. Funding for the installation shall be secured by the SBAC and the cost of maintenance must be determined prior to the acquisition.
 - e. The value of the work shall be agreed upon between the artist and the City.
- D. **Records** - Complete records shall be made and maintained by the SBCAC.
- E. **Review Policy**- It is the policy of the City that all proposed acquisitions or gifts will be reviewed by a Review Committee (the "Committee") and that specific criterion be used in the approval process.

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1. The Committee shall be made up of seven members with the Executive Director of the SBCAC, member of the SBCAC selected by the SBCAC, a member of the community-at-large with expertise in public art selected by the SBCAC, a member of the Hollister Downtown Association selected by the HDA, a member of the City Staff selected by the City Manager, a member of the community-at-large with expertise in architecture, design, engineering or similar field selected by the City Council and a member of the Youth Commission selected by the City Council. Any vacancy in the membership of the Review Committee shall be filled for the unexpired term by appointment by the entity that made the original appointment.
- b. The term of office shall be for four years commencing on July 1st of each year except the for the Youth Commissioner, which will have a two year term. In order to provide continuity of the Committee, the terms of the first seven members shall be staggered. Three of the first seven members shall have a term of two years with one member appointed by the SBCAC, the second member appointed by the City Council and the third the Youth Commissioner appointment. The remaining four of the first seven members shall have a term of four years.
 1. The Committee shall assist with fundraising for acquisition and maintenance of public art.
- c. The Committee shall keep a written record of decision of the review of submissions. Agendas of the Committee shall be posted at City Hall, the City of Hollister and the SBCAC home pages and the location of the meeting. All meetings will be subject to the Brown Act.
- d. **Review Procedures** - All submissions shall include a rendition of the work, a written description of the work including dimensions and material, proposed placement, a maintenance plan, and an estimated value.
 1. The City of Hollister Public Art Review Committee (the "Review Committee") review criteria shall include:
 - i. quality of work
 - ii. experience and abilities of the artist
 - iii. style and nature and appropriateness for all ages
 - iv. permanence and technical feasibility
 - v. budget
 - vi. diversity
 - vii. benefit
 - viii. placement & public accessibility
 - ix. ability to provide ongoing maintenance and repair at a reasonable cost
 - x. public safety and liability
 - xi. permanence

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- xii. aesthetics/enhance surroundings
- xiii. compliance with the Americans with Disabilities Act
- xiv. originality

- 2. A recommendation will be made by a super majority of the Committee. The Committee member appointed by the City Manager shall be responsible for forwarding recommendations to the City Council.

F. Installation Policy- It is the policy of the City to allow installation of works of public art in areas in which they will provide the greatest benefit to the community.

- a. Installation Procedures: When determining the site of installation, the following criteria will be considered:

- 1. public safety
- 2. visibility
- 3. lighting
- 4. traffic patterns
- 5. function of the facility/site
- 6. relationship of the proposed work to pre-existing works on the site
- 7. future development plans for the area
- 8. landscape design
- 9. environmental assessment
- 10. public accessibility
- 11. appropriateness of the physical characteristics of the site
- 12. relationship to the social and cultural identity of the immediate community

- b. Installation costs will be the responsibility of the artist or donating party unless otherwise stipulated in the agreement.
- c. Each artwork shall be identified by a plaque stating the artist's name, artwork title, and the date the artwork was dedicated. The cost and installation of the plaque shall be the responsibility of the artist or donating party unless otherwise stipulated in the agreement.

G. Maintenance Policy- It is the policy of the City to keep works of public art in their intended condition through inspection (cursory inspection by City staff and annual inspection by the SBCAC) and required maintenance.

- a. Maintenance Procedures:
 - 1. Before public art is accepted by the City there shall be a plan and budget for its maintenance requirements and for the funding thereof.
 - 2. Written instructions from the artist or donor for the proper care and maintenance of each work are required.

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3. City staff will perform a cursory inspection of installed works as part of the regular and customary maintenance of the site.
 4. SBCAC will perform an inspection and inventory prior to the end of each fiscal year of all works and provide a written report of findings to the City. SBCAC will advise the City Council on any maintenance issues.
- H. **Deaccession Policy**—It is the policy of the City to maintain its permanent collection of public art in good condition and in keeping with the historical and cultural values of the community and will deaccession the work if the values are no longer met or if it is determined that maintenance costs are not feasible.
- a. **Deaccession Procedures:**
 1. An agreement regarding the manner in which the work may be deaccessioned shall accompany all acquisitions.
 2. Physical evaluations may take place annually by the SBCAC and a written report will be prepared by the SBCAC and be submitted to Council for every work in the City's collection.
 3. The following criteria will be used when determining deaccession of a work of art:
 - i. if the City cannot properly care for or store the work
 - ii. if the aesthetic or the historical/cultural value of the work is no longer evident
 - iii. if the work demonstrates faults in design or workmanship
 - iv. if the condition of the artwork requires repair or restoration in excess of the value or in excess of the funds allotted in the acquisition agreement or available from the City.
 4. The City shall dispose of all deaccessioned works in accordance with the terms specified in the acquisition agreement or, if no terms are specified, by sale, trade, transfer or destruction. Ethical standards will apply.
 5. Any and all monies raised from deaccession will be added to the Community Culture & Art Fund and in keeping with the California Resale Royalties Act.

This policy shall remain in effect until modified or revoked by the City Council.